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Attorneys for Defendant Availink Inc.

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA – OAKLAND DIVISION**

HDMI LICENSING ADMINISTRATOR,
INC.,

Plaintiff,

vs.

AVAILINK, INC.

Defendant.

) Case Number: 22-cv-06947-HSG

) **DECLARATION OF VINCENT**
) **FILARDO, JR. IN SUPPORT OF**
) **STIPULATED REQUEST TO EXTEND**
) **DEADLINES PURSUANT TO LOCAL**
) **RULE 6-2**

I, Vincent Filaro, Jr., declare as follows:

1 1. I am an attorney with the law firm King & Wood Mallesons LLP, counsel for
2 Defendant Availink Inc. (“Defendant”) in the above-referenced action, and I make the
3 statements set forth herein based on my personal knowledge.

4 2. Plaintiff filed its Complaint on November 7, 2022 (*Dkt No. 1*), and Defendant
5 filed a partial motion to dismiss on April 12, 2023 (*Dkt. No. 30*).

6 3. On September 1, 2023, Defendant filed its Answer to the Complaint and
7 Counterclaims. *Dkt. Entry No. 49*.

8 4. On October 12, 2023, the Court held the initial case management conference and
9 motion hearing on Defendant’s partial motion to dismiss the Complaint. Following the
10 proceeding, the Court granted Defendant’s partial motion to dismiss and directed the parties to
11 meet and confer and to submit a stipulation and proposed order setting a case schedule. *Dkt.*
12 *Entry No. 65*.

13 5. On October 19, 2023, the parties filed a Stipulated Case Management Schedule
14 and Proposed Order (*Dkt. Entry No. 66*) and the Court subsequently entered a Scheduling Order
15 on October 20, 2023 (*Dkt. Entry No. 67*).

16 6. On October 23, 2023, Plaintiff filed its Motion to Dismiss Defendant’s
17 Counterclaims (“MTD”) and noticed a hearing date of January 18, 2024 at 2:00 p.m. *Dkt. Entry*
18 *No. 72*.

19 7. The Scheduling Order does not address the briefing schedule for Plaintiff’s MTD,
20 as it had not been filed at the time. The parties, however, reached an agreement that Defendant
21 would have an additional 30-day extension to file any opposition upon Plaintiff’s filing of its
22 MTD, and Defendant agreed to an extension of Plaintiff’s time to file any reply.

23 8. In light of the multitude of claims at issue, to allow adequate time for the parties
24 and their counsel to prepare appropriate responses, and due to a number of other preexisting
25 obligations and scheduling conflicts, among other things, the parties require additional time to
26 consider and appropriately brief the MTD.

1 9. Both parties, through their respective counsel, have met and conferred on the
2 briefing schedule of the MTD and agreed to extend the remaining deadlines for the briefing of
3 Plaintiff's MTD as follows: (i) the parties agree to a 30-day extension of Defendant's time to
4 respond to the MTD (from November 6, 2023 up to and including December 6, 2023); and (ii)
5 the parties further agree to an extension of Plaintiff's time to file its reply in support of the MTD
6 (30 days from the filing of Defendant's response to the MTD up to and including January 5,
7 2024).

8 10. The parties previously requested, and were granted, three adjournment requests
9 (*Dkt. Nos. 13, 15, 43-44, 46-44*), and one enlargement request (*Dkt. Nos. 50-51*).

10 11. The proposed enlargement of time will not alter the date of any event or other
11 outstanding deadline, including the hearing date for the MTD currently noticed, and neither of
12 the parties nor the Court will be prejudiced by the enlargement of the deadlines sought herein.
13

14 I declare under penalty of perjury that the foregoing is true and correct.

15 Dated: October 24, 2023

16 **KING & WOOD MALLESONS LLP**

17 By: /s/ Vincent Filardo, Jr.

18 Vincent Filardo, Jr.

19 *Attorneys for Defendant Availink Inc.*

20 *Pro Hac Vice*
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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2023, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to the email addresses registered in the CM/ECF system.

DATED: October 24, 2023

By: /s/ Vincent Filardo, Jr.
Vincent Filrdo, Jr.
King & Wood Mallesons

Attorneys for Defendant Availink Inc.
Pro Hac Vice